

Senate Study Bill 1102 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ZAUN)

A BILL FOR

1 An Act relating to the waiting period before the granting of a
2 decree for dissolution of marriage.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 598.19, Code 2017, is amended to read as
2 follows:

3 **598.19 Waiting period before decree.**

4 1. No A decree dissolving a marriage shall not be granted in
5 any proceeding before ninety days shall have elapsed from the
6 any of the following actions, whichever period is longest:

7 a. The day the original notice is served, or from the.

8 b. The last day of publication of notice, or from the.

9 c. The date that waiver or acceptance of original notice is
10 filed or until after.

11 d. The date of execution of a collaborative law
12 participation agreement or a mediation agreement by both
13 parties.

14 e. After conciliation ordered under section 598.16 is
15 completed, whichever period shall be longer. However,

16 2. Notwithstanding subsection 1, the court may in its
17 discretion, on written motion supported by affidavit setting
18 forth grounds of emergency or necessity and facts which satisfy
19 the court that immediate action is warranted or required to
20 protect the substantive rights or interests of any party or
21 person who might be affected by the decree, hold a hearing and
22 grant a decree dissolving the marriage prior to the expiration
23 of the applicable period, provided that requirements of notice
24 have been complied with. In such case the grounds of emergency
25 or necessity and the facts with respect thereto to the grounds
26 shall be recited in the decree unless otherwise ordered by the
27 court.

28 3. The court may enter an order finding the respondent in
29 default and waiving conciliation when the respondent has failed
30 to file an appearance within the time set forth in the original
31 notice.

32 **EXPLANATION**

33 The inclusion of this explanation does not constitute agreement with
34 the explanation's substance by the members of the general assembly.

35 This bill relates to the waiting period prior to the granting

1 of a decree for dissolution of marriage. Under current law,
2 a decree dissolving a marriage shall not be granted in any
3 proceeding before 90 days shall have elapsed from whichever
4 period is longer from the day or date of certain actions.
5 Under current law, these actions include the day the original
6 notice is served, the last day of publication of the notice,
7 the date that waiver or acceptance of original notice is
8 filed, or after conciliation is completed. The bill adds the
9 additional action of the date of execution of a collaborative
10 law participation agreement or a mediation agreement by
11 both parties. The bill also specifies that the conciliation
12 referenced is that ordered under Code section 598.16.